

**SUPREME COURT MINUTES
WEDNESDAY, NOVEMBER 8, 2000
SACRAMENTO, CALIFORNIA**

The Supreme Court of California convened in the courtroom in the Library and Courts Building, Sacramento, California on Wednesday, November 8, 2000, at 1:00 p.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Mosk, Kennard, Werdegar, Chin, and Brown.

Officers present: Frederick K. Ohlrich, Clerk; and Harry Kinney, Supreme Court Marshal.

The Honorable Barbara J. R. Jones, Presiding Justice, Court of Appeal, First Appellate District, Division Five, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S080670 Roger Galland et al., Respondents

v.

City of Clovis et al., Appellants

Cause called. David J. Wolfe opened argument for Appellants.

Donald R. Lincoln, appearing for Amicus Curiae 76 California Cities, continued argument for Appellants.

Jaquelynn Pope argued for Respondents.

Mr. Wolfe replied.

Cause submitted.

Justice Jones, not participating in the following matters, departs the bench. The Court is joined at the bench by Justice Baxter. All other parties were present as before shown.

S084057 Certain Underwriters at Lloyd's of London et al., Petitioners
 v.
 Los Angeles County Superior Court, Respondent
 Powerine Oil Company et al., Real Parties in Interest
 Cause called. David B. Goodwin argued for Real Party in
 Interest Powerine Oil Company.
 Patrick A. Cathcart argued for Petitioners.
 Mr. Goodwin replied.
 Cause submitted.

S066991 The People, Respondent
 v.
 Juan J. Sanchez, Appellant
 Cause called. Jo Anne D. Roake argued for Appellant.
 Teresa Torreblanca, Deputy Attorney General, argued for
 Respondent.
 Ms. Roake replied.
 Cause submitted.

Court recessed until 9:00 a.m., Thursday, November 9, 2000.

1st Dist. Lost Coast League, et al., Petitioners
A092890 v.
Div. 1 Humboldt County Superior Court, Respondent
S092762 California Department of Forestry and Fire Protection et al.,
 Real Parties in Interest
 Application for stay and petition for review DENIED.

2nd Dist. People, Respondent
B134652 v.
Div. 3 Patrick Peterson, Appellant
 The time for granting review on the court's own motion is hereby
 extended to and including December 27, 2000. (Cal. Rules of Court,
 rule 28(a)(1).)

S012944 People, Respondent

v.

Richard Ramirez, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including January 12, 2001.

S014200 People, Respondent

v.

Jon Scott Dunkle, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to and including January 5, 2001.

S025121 People, Respondent

v.

Robert Clarence Taylor, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including December 22, 2000.

No further extensions of time are contemplated.

S026040 People, Respondent

v.

Richard J. Vieira, Appellant

The application of appellant for an extension of time to file appellant's opening brief is denied.

S026872 People, Respondent

v.

Alfredo Reyes Valdez, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including December 8, 2000.

S046848 People, Respondent

v.

Kerry Lyn Dalton, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including January 5, 2001, to request correction of the record on appeal. Counsel for

appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S049596 People, Respondent

v.

Stanley Bryant, Donald Franklin Smith and Leroy Wheeler,
Appellants

On application of appellant Donald Franklin Smith and good cause appearing, it is ordered that the appellant is granted to and including January 12, 2001, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S054291 People, Respondent

v.

Eric Royce Leonard, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including January 12, 2001, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S055415 People, Respondent

v.

Robert Wesley Cowan, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including January 5, 2001, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S056997 People, Respondent

v.

Michael McCrea Whisenhunt, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including January 5, 2001, to request correction of the record on appeal. Counsel for

appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S087484 Lachi Delisa Richards, Respondent

v.

CH2M Hill, Inc., Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's answer brief on the merits is extended to and including December 1, 2000.

S087880 People, Respondent

v.

Robert Louis Martin, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on the merits is extended to and including November 16, 2000.

S088216 In re Steven Robert Loy

on

Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response is extended to and including December 11, 2000.

S089120 People, Respondent

v.

Greg Acosta, Appellant

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file respondent's opening brief on the merits is extended to and including November 21, 2000.

S091530 In re Robert Green Fairbank, Jr.

on

Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including January 12, 2001.

S087859 Marc Kasky, Plaintiff and Appellant

v.

Nike Inc. et al., Defendants and Respondents

The application of California Labor Federation, AFL-CIO for permission to file an amicus curiae brief in support of appellant is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S092792 Claudius Ballentine Johnson, Petitioner

v.

Riverside County Superior Court, Respondent

People, Real Party in Interest

The above entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

S089733 In re Randy G., a Person Coming Under the Juvenile Court Law

People, Respondent

v.

Randy G., Appellant

Upon request of appellant for appointment of counsel, Robert S. Gerstein is hereby appointed to represent appellant on his appeal now pending in this court.

Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date of this order.

S090153 People, Respondent

v.

Christina Renee Khan, Appellant

Upon request of appellant for appointment of counsel, Fay Arfa is hereby appointed to represent appellant on his appeal now pending in this court.

Bar
Misc.
4186

In the Matter of the Application of the Committee of Bar Examiners of the State of California for Admission of Attorneys

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S049453

In re **Paul Joseph Kelly** on Discipline

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above-entitled matter is lifted, and **Paul Joseph Kelly, State Bar No. 61695**, shall be actually suspended from the practice of law for two years. Credit toward the period of actual suspension shall be given for the period of involuntary inactive enrollment which commenced on September 4, 2000 (Business & Professions Code section 6007(d)(3)). He is also ordered to attend State Bar Ethics School during the period of his actual suspension and take and pass the test given at the end of such session. It is also ordered that **Paul Joseph Kelly** take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If **Paul Joseph Kelly** has returned to active membership status at any time between April 23, 1998 and the effective date of this order, he is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S071253

In re **William M. Ambrunn** Discipline

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **William M. Ambrunn, State Bar No. 132051**, shall be actually suspended from

the practice of law for one year. Credit toward the period of actual suspension shall be given for the period of involuntary inactive enrollment which commenced on August 21, 2000 (Business & Professions Code section 6007(d)(3)). It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S091385 In re **Andrew H. Lund** on Discipline

It is ordered that **Andrew H. Lund, State Bar No. 130209**, be suspended from the practice of law for year, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation executed on August 10, 2000. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in equal installments for membership years 2001, 2002, and 2003.

*(See Bus. & Prof. Code, § 6126, subd. (c).)